

ENVIRONMENTAL ASSESSMENT

BUILDING 199 DEMOLITION

Pearl Harbor Naval Complex, Oahu, Hawaii

Department of the Navy

April 2002

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DEPARTMENT OF DEFENSE
DEPARTMENT OF THE NAVY

FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR ENVIRONMENTAL
ASSESSMENT (EA) FOR THE PROPOSED DEMOLITION OF BUILDING 199 AT
THE PEARL HARBOR NAVAL COMPLEX, OAHU, HAWAII.

Pursuant to the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA), and the Chief of Naval Operations Instruction (OPNAVINST) 5090.1B, the Department of the Navy gives notice that an EA has been prepared and an Environmental Impact Statement (EIS) is not required for the proposed demolition of Building 199 at the Pearl Harbor Naval Complex, Oahu, Hawaii.

The proposed action is to demolish Building 199. Commander, Navy Region Hawaii (CNRH) has determined that the building is excess to its mission requirements. By demolishing Building 199, CNRH will reduce its inventory of excess facilities, eliminate future operations and maintenance costs associated with the facility, and allow limited resources to be applied to higher priority mission-related or historic preservation activities.

Building 199 was constructed in 1942 and moved to its current site on Pearl Harbor Boulevard in 1945. Located within the boundaries of the U.S. Naval Base Pearl Harbor National Historic Landmark (PHNHL), Building 199 is deemed eligible for listing on the National Register of Historic Places as a contributing property to the PHNHL. Building 199 is classified in the Cultural Resources Management Plan (CRMP) as a Category III facility (i.e., relatively minor importance for defining the historic character of PHNHL). Building 199 has been extensively modified. The remodeled elements are inconsistent with the original construction and detract from the historic character of the building.

Alternatives considered include: a) no action, b) relocation, c) revitalization, and d) layaway. The revitalization and layaway alternatives were dismissed because neither alternative would be economically feasible and no reuse of the facility could be identified. Because of its deteriorated condition, relocation of the facility is not practicable and would not achieve project objectives and therefore was also dismissed. The no action alternative would not achieve project objectives, but was carried forward in the analysis according to CEQ regulations.


The proposed action would not result in significant impacts on the following resource areas: physical conditions, biological resources, social, traffic, utilities, visual environment, archaeology, hazardous and regulated materials, land use, and solid waste. The proposed action will not create environmental health and safety risks that may disproportionately affect children and minority or disadvantaged population. There will be no reasonably foreseeable direct and indirect effects on any coastal use or resource of the State's coastal zone and a consistency determination is not required.

The Navy completed a National Historic Preservation Act Section 106 review process by consulting with the Advisory Council on Historic Preservation, the Hawaii State Historic Preservation Officer, the National Park Service, the Historic Hawaii Foundation, and the National Trust for Historic Preservation. A Memorandum of Agreement was executed to conclude consultation pursuant to Advisory Council on Historic Preservation regulation 36 CFR Part 800.

Based on information gathered during the preparation of the EA, the Navy finds that the proposed demolition of Building 199 will not significantly impact the environment.

The EA and FONSI prepared by the Navy addressing this proposed action is on file and interested parties may obtain a copy from: Commander, Pacific Division, Naval Facilities Engineering Command, 258 Makalapa Drive, Suite 100, Pearl Harbor, Hawaii 96860-3134 (Attention: Mr. Fred Minato, PLN231FM), telephone (808) 471-9338. A limited number of copies are available to fill single copy requests.

Date 13 April 2002


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COVER SHEET

Proposed Action The U.S. Navy proposes to demolish Building 199 at the Pearl Harbor Naval Complex.

Type of Document Environmental Assessment

Lead Agency Commander, Navy Region Hawaii

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Summary

The Department of the Navy has prepared this Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations implementing the procedural provisions of NEPA (40 CFR Parts 1500-1508), and the Chief of Naval Operations Instruction (OPNAVINST) 5090.1B. The purpose of this EA is to assess the potential environmental impacts of the Navy's proposed action of demolishing Building 199 at the Pearl Harbor Naval Complex.

Building 199 was constructed in 1942 and moved to its current site on Pearl Harbor Boulevard in 1945. Building 199 is located within the boundaries of the U.S. Naval Base Pearl Harbor National Historic Landmark (PHNHL), and is deemed eligible for listing on the National Register of Historic Places as a contributing property to the PHNHL. Classified as a Category III facility (i.e., relatively minor importance for defining the historic character of PHNHL and a support building whose function, design, location or other characteristics do not merit designating this building as of "central" importance to PHNHL), the building has been extensively modified and expanded over time. The remodeled elements are inconsistent with the original construction and detract from the historic character of the building. The building is surrounded by parking lots and is thus isolated from other buildings. There are no prominent historic landmarks in the vicinity that create a historic fabric in the area, and the building is not integral to any key historic view plane.

Commander Navy Region Hawaii (CNRH) has determined that the building is excess to its mission requirements. By demolishing Building 199, CNRH will reduce its inventory of excess facilities, eliminate future operations and maintenance costs associated with the facility, and allow limited resources to be reprogrammed to higher priority mission-related or historic preservation activities.

Alternatives considered include: no action, relocation, revitalization, and layaway. The revitalization and layaway alternatives were dismissed because neither alternative would be economically feasible and no reuse of the facility could be identified. Because of its deteriorated condition, relocation of the facility is not practicable and would not achieve project objectives and therefore was also dismissed. Although the no action alternative would not achieve project objectives, it was carried forward in the analysis according to CEQ regulations.

The Navy has completed a National Historic Preservation Act Section 106 review process by consulting with the State Historic Preservation Officer and other consulting parties, affording the Advisory Council on Historic Preservation and National Park Service the opportunity to comment, and executing a Memorandum of Agreement. The proposed action would not result in significant adverse impacts on the following resource areas: physical conditions, biological resources, social, traffic, utilities, visual environment, archaeology, hazardous and regulated materials, land use and solid waste. The proposed action will not create environmental health and safety risks that may disproportionately affect children and minority or disadvantaged population. There will be no reasonably foreseeable direct and indirect effects on any coastal use or resource of the State's coastal zone and a consistency determination is not required.

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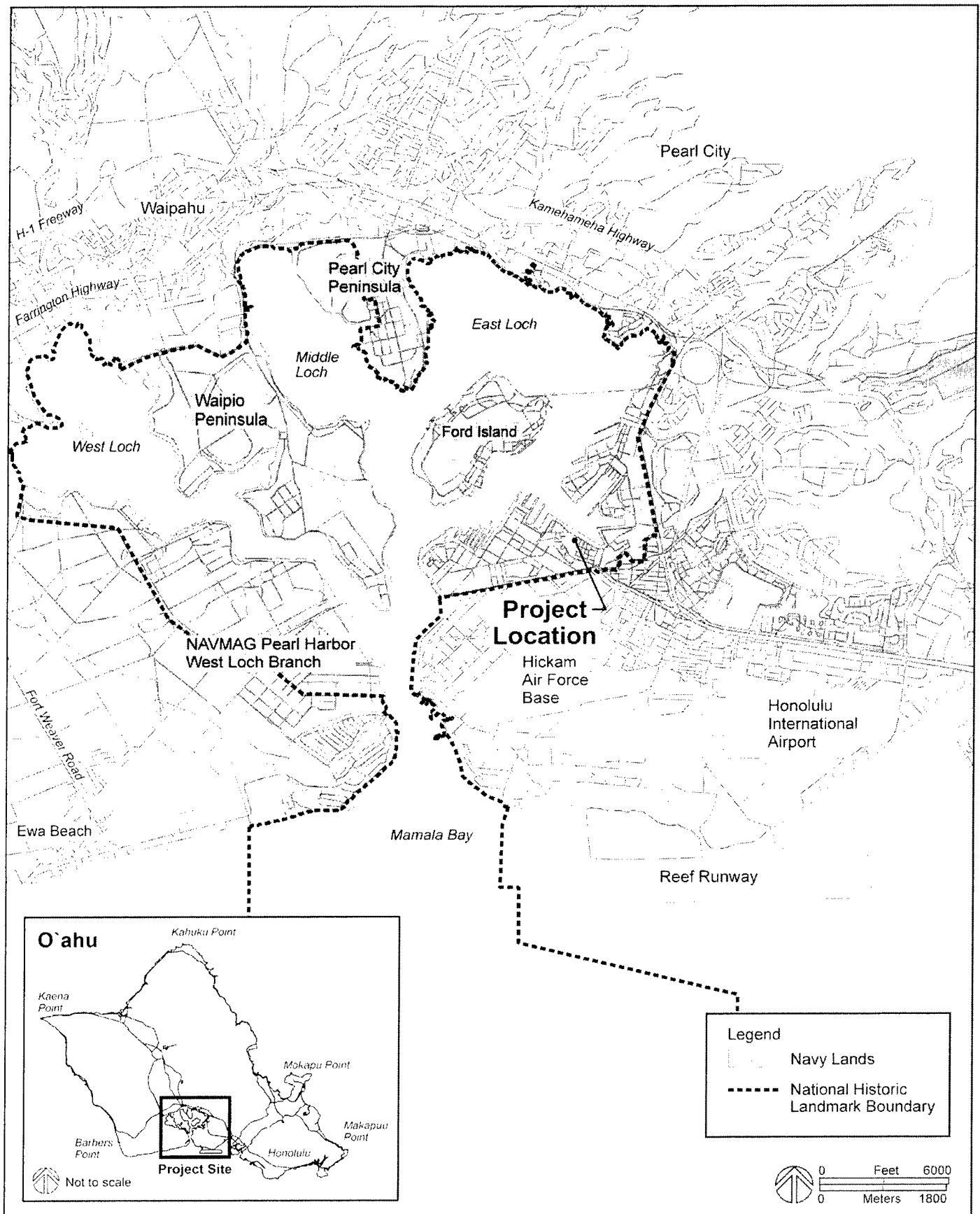
ACRONYMS AND ABBREVIATIONS

AT/FP	anti-terrorism/force protection
CEQ	Council on Environmental Quality
CNO	Chief of Naval Operations
CNRH	Commander, Navy Region Hawaii
CRMP	Cultural Resources Management Plan
CZMA	Coastal Zone Management Act
DoD	Department of Defense
DOH	Department of Health
DRI	Defense Reform Initiative
EA	Environmental Assessment
EFI	Efficient Facilities Initiative
FY	fiscal year
HABS	Historic American Buildings Survey
ICRMP	Integrated Cultural Resources Management Plan
m ²	square meters
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
OPNAVINST	Chief of Naval Operations Instruction
PACNAVFACENGCOM	Pacific Division, Naval Facilities Engineering Command
PHNHL	Pearl Harbor National Historic Landmark
SHPO	State Historic Preservation Officer
WWII	World War II

1.0 Purpose and Need for Action

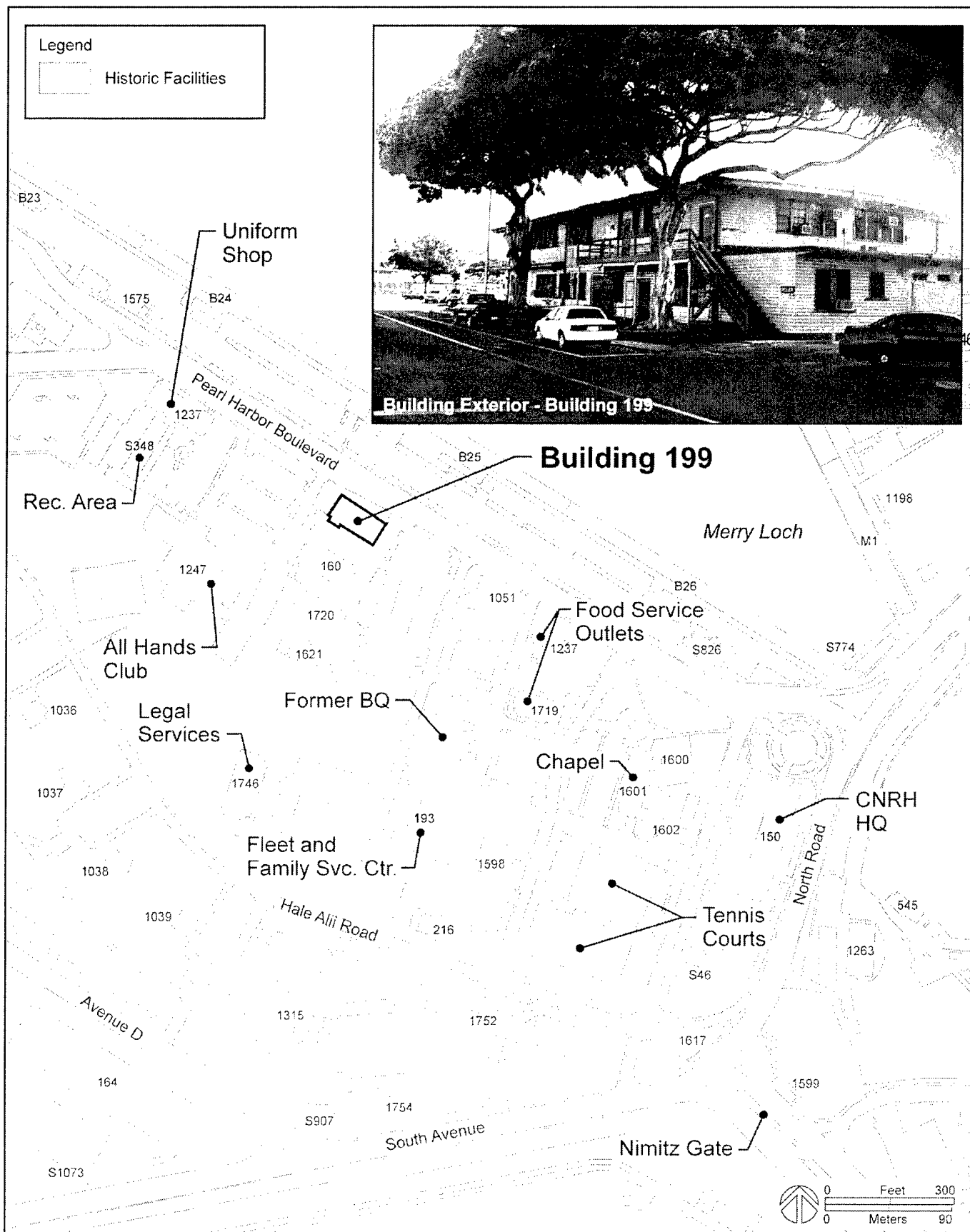
1.1 Summary of Proposed Action

Commander Navy Region Hawaii (CNRH) proposes to demolish Building 199 to reduce its excess facility square footage at Pearl Harbor Main Base; thereby eliminating future Building 199 operations and maintenance costs. The project location is shown in Figure 1. Building 199 is located within the Pearl Harbor Naval Complex on Pearl Harbor Boulevard (Figure 2). It is a 10,800 square-foot (1,003-square meter [m²]), two-story wood structure utilizing slab on grade construction. The building has been categorized as "inadequate" in the Navy's Real Property Records due to its deteriorated condition. The facility is located within the U.S. Naval Base Pearl Harbor National Historic Landmark (PHNHL) boundary (see Figure 1 for boundary), is deemed eligible for listing on the National Register of Historic Places as a contributing property to the PHNHL, and has been classified as a Category III property. As defined, Category III properties "have relatively minor importance for defining the historic character of the installation." Building 199 is a support building whose function, design, location or other characteristics do not merit designating this building as one of "central" importance to the PHNHL. Furthermore, Building 199 has been relocated from its original location and has undergone structural modifications that are inconsistent with the original construction, which detract from the historic character of the building.



Project Location Map

Figure 1



Facility Location Map

Figure 2

1.2 Purpose and Need

The project proposes to demolish Building 199 to reduce the Navy's inventory of excess facilities, improve safety and quality of life of the tenants and customers, and allow limited operating and management resources to be reprogrammed to higher priority Navy historic preservation and/or mission-critical activities. Demolition of Building 199 will save the Navy the cost of operating and maintaining excess floor area (\$25,200/year) and avoid expenditure of funds for a backlog of critical maintenance and repair items (\$125,000). Using an Office of Management and Budget (OMB) ten-year discount rate of 3.1%¹, the proposed action would result in a payback period (the length of time over which an investment outlay will be recovered) of less than 4.5 years. That is, the one-time cost associated with the proposed action (demolition) will be offset by the avoidance of annual operations and maintenance costs along with spending on the backlog of critical maintenance and repair items.

The Department of Defense (DoD) and its military services are encumbered with a large number of excess facilities in its real property inventory. During the post-Cold War military drawdown, infrastructure reductions have lagged behind force reductions. After four rounds of base closures, the DoD domestic base structure declined only 21 percent while personnel decreased by 36 percent and the DoD budget decreased by 40 percent. The Navy's infrastructure was reduced by only 17 percent over this time period. The operations and maintenance of excess or underutilized facilities drain limited resources that would be better spent on recruitment, training, readiness and quality of life for the armed forces (Defense Reform Initiative (DRI) of 1997).

The DoD's Efficient Facilities Initiative of 2001 (EFI) amended the Defense Base Closure and Realignment Act of 1990. The EFI demonstrates a commitment to ensuring optimal use of every DoD dollar through a reduction in base capacity (i.e., right-sizing). Right-sizing is accomplished through base closures, privatization, out-leasing, and demolition. In support of DoD initiatives to right-size shore infrastructure, the Chief of Naval Operations (CNO) has established a Fiscal Year (FY) 2002 disposal/demolition goal of 9.9 million square feet (0.9 million m²) (DRI Directive #36).

The U.S. Armed Services Committee Report 97-440 to the Military Construction Authorization Bill of 1983, Public Law 97-32 directs the demolition of World War II (WWII) temporary buildings on DoD installations.

CNRH has determined that reuse of Building 199 is not feasible due to an excess of this facility type. If it continues to retain Building 199 on its real property inventory, the Navy will have to expend scarce resources for its maintenance that could be used more effectively elsewhere.

This environmental assessment (EA) documents the compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. §4332 et seq.), as implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Navy Guidelines, OPNAVINST 5090.1B CH-2, of 9 September 1999.

¹ OMB Circular A-94, revised February 2002.

1.3 Environmental Permits and Required Approvals

Table 1 summarizes the permits and approvals that may be relevant to the proposed action.

Table 1
Summary of Relevant Permits, Approvals and Consultations

Permit/Approval	Agency/ Consulted Party	Relevance to Proposed Project
Federal		
NEPA	Commander in Chief, US Pacific Fleet	Demolition is a federal undertaking and undertakings must be assessed for potential environmental impacts
National Historic Preservation Act (NHPA), Section 106 Consultation	<ul style="list-style-type: none"> State Historic Preservation Officer (SHPO) Historic Hawai'i Foundation National Trust for Historic Preservation Advisory Council on Historic Preservation National Park Service 	Demolition is an undertaking that has the potential to cause effects on historic properties.
State of Hawaii		
Coastal Zone Management Act (CZMA), Consistency Determination	Department of Business and Economic Development	The project area is federal property and not within the State's coastal zone as defined by the CZMA. The proposed action will not have reasonably foreseeable direct and indirect effects on any coastal use or resource of the State's coastal zone and, therefore, a consistency determination will not be required.
Asbestos Notification of Demolition and Renovation	Department of Health (DOH), Noise, Radiation and Indoor Air Quality Branch	Building 199 is likely to have asbestos containing materials. Prior to demolition, DOH needs to be notified of the demolition schedule, removal contractor, documentation of asbestos containing material, waste transporter, and waste disposal site.
Hazardous Waste Transport & Disposal Manifest	DOH, Solid and Hazardous Waste Branch	Hazardous materials may be present in the demolition waste. The definition of "hazardous " is dependent on the waste's ignitibility, corrosivity, toxicity, and reactivity. The heavy metals (lead, arsenic, cadmium, mercury) are toxic and may be in the waste. Toxicity Characteristic Leachate Procedure testing of the waste stream will determine if the waste is hazardous. Hazardous waste has specific manifesting requirements, and disposal restrictions.

2.0 Alternatives Including the Proposed Action

The proposed action is to demolish Building 199 located at the Pearl Harbor Naval Complex (Figure 1 and Figure 2). This chapter also presents a discussion of other alternatives that were dismissed from further consideration, including the No Action alternative. All the alternatives

were analyzed in terms of how well they would meet the purpose and need for the project, as described in Section 1.2. The alternatives initially considered represent a range of reasonable alternatives.

2.1 Proposed Action

The Navy proposes to demolish Building 199, which was identified by CNRH as excess to its facility requirements. The current tenant, CNRH Security Department, will be relocated and consolidated into renovated vacant space in one of the historic Marine Barracks buildings.

Demolition would assist the Navy in meeting its objective to reduce and consolidate its real estate assets that needs to be managed; thereby, decreasing operations and maintenance costs. This cost savings will improve overall base efficiency and increase the funds available to fulfill CNRH mission requirements.

Building 199 is deemed eligible for listing on the National Register of Historic Places as a contributing property to the PHNHL. Demolition would result in an irreversible and irretrievable commitment of a historic resource; however, the Navy must balance its responsibility for heritage stewardship with its stewardship of public funds and responsibilities for prudent facilities management.

Demolition of Building 199 would result in a reduction of 10,800 square feet (1,003 m²) and Annual Cost Savings of \$25,200 toward the CNRH goals and objectives for reduced square footage, and operations and maintenance cost.

2.2 Alternatives

Alternatives to demolition were considered by the Navy and are briefly described in this section.

Relocation. This alternative involves the relocation of Building 199 by the Navy to a new location. Due to its deteriorated structural condition, it would not be practicable to relocate the building. Also, it would not achieve two of the project's objectives—(1) reducing the Navy's inventory of excess facilities and (2) allowing limited resources to be reprogrammed for higher priority Navy historic preservation and/or mission-critical activities.

Revitalization. The revitalization alternative involves renovation and reuse or continued use of the facility. This alternative would meet the Navy's goal to balance the preservation of historic heritage with the objective of maximizing land use efficiency if a feasible and appropriate use can be identified for the facility. Renovating the structure would result in an irreversible and irretrievable commitment of economic resources, but the primary beneficial impact would be the preservation of historic resources. Since a specific reuse was not identified for Building 199, CNRH has determined that Building 199 is excess to their mission requirements. In addition, revitalization of Building 199 would be costly, and would involve improvements or replacement of major building systems such as the roof, electrical, mechanical and structural systems, etc. Anti-terrorism/force protection (AT/FP) construction standards would have to be applied if revitalization was instituted. Since Building 199 would not comply with the required 33-foot (10-m) setback (based on less than 50 occupants criteria) from the roadway, hardening of the

building would be required, further increasing the reuse/revitalization cost. Alternatives for blast hardening would consist of a separate blast wall to shield the building or providing hardened building components for blast resistance internal to the exterior wall, windows and doors. A blast wall alternative to hardening the building would visually and functionally separate Building 199 from Pearl Harbor Boulevard and is not an acceptable solution. Hardening of the exterior wall would require extensive reconstruction of Building 199 and basically would require building a hardened structure inside the wood framed building. Accordingly, revitalization was rejected from further consideration due to the lack of an identified specific reuse and the additional cost of complying with AT/FP requirements.

Layaway. The layaway alternative would defer the decision to demolish a facility for a period of time, generally ten years. This alternative is appropriate under certain conditions including, 1) facilities for which a potential future use (e.g., foreseeable within the next ten years) was identified, and 2) facilities that are currently subject to land use or facility use constraints that could change in the future to allow reuse. However, since no potential specific reuse was identified for Building 199, layaway was rejected as not meeting project objectives. Also, it would not be economical to maintain, repair or replace deteriorated building components to meet current building codes and safety under the layaway alternative.

No Action. The no action alternative assumes the CNRH Security Department will relocate to the historic Marine Barracks, and that Building 199 will remain vacant. This assumption is based on CNRH's existing plans to consolidate its Security Department functions in a revitalized facility that is considered to be more historically significant than Building 199. This alternative implies a slight decrease in the current operations and maintenance costs associated with Building 199 due to its "vacant" status. The no action alternative would not provide upgrades to the facility to meet current building codes nor repairs addressing previously identified deficiencies. Although CEQ regulations require consideration of the no action alternative, it does not meet project objectives.

3.0 Affected Environment

The project area is located within the Pearl Harbor Naval Complex, and north of the Nimitz Gate, South Avenue and Center Drive. Building 199 is a World War II (WWII) temporary structure located adjacent and south of Pearl Harbor Boulevard and formerly served as a fleet post office.

The primary land uses in the vicinity of the project area are waterfront operations and personnel/community support activities. General-purpose berthing piers for homeported and transient ships (Bravo piers) lie less than 500 feet (152 m) to the north of the project area. Building 199 is bordered to the east and west by parking areas. Additional Security Department support facilities are adjacent to the south. These non-historic facilities are also planned for demolition in the future. The all-hands club, uniform shop and a recreation area are located to the west along Pearl Harbor Boulevard. Food service outlets and the chapel lie to the east along Pearl Harbor Boulevard. Commander Navy Region Hawaii administration (Building 150), Navy Legal Services, Fleet and Family Support Center and two tennis courts are also located

within the area bounded by Pearl Harbor Boulevard, North Road and Hale Alii Road. A recently demolished bachelor quarters facility formerly occupied a site to the southeast of Building 199.

Building 199 is a 10,800 square foot (1,003 m²), two-story slab-on-grade, wood frame structure constructed in 1942 and relocated to its current site in 1945 (see Figure 2 for building photograph). Navy real property records indicate that this structure is in "inadequate" condition (i.e., having deficiencies that cannot be economically corrected). During a 2001 property condition assessment and subsequent site visits, extensive termite damage was observed in the wood framing.

The preliminary project scoping indicated that the proposed action will not affect or be affected by many of the environmental resources typically addressed in construction or land development Environmental Assessments. The proposed action has the potential to significantly impact cultural resources, and therefore, this resource area is addressed in greater detail.

The following environmental resources are unlikely to be significantly impacted by the proposed action or alternatives:

- Physical (e.g., topography, climate, soils, water resources, infrastructure, air quality, noise) – The building was constructed on fill land. The natural topography was altered to accommodate the facility. None of the alternatives would impact the physical resources beyond the facility property boundaries. No significant impacts to topography, climate, soils, water resources, infrastructure, air quality or noise are anticipated.
- Biological (e.g., vegetation, wildlife [terrestrial and marine]) – Building 199 is not adjacent to or within a biologically sensitive area. There are mature trees in the landscaped areas adjacent to Building 199, but no threatened or endangered floral or faunal species are present. Demolition activities will be conducted in such a manner as to avoid the disturbance of mature trees in the vicinity of the building. No action will have no impact on biological resources.
- Social – CNRH Security Department operations currently in the facility will be transferred to another facility in a planned manner to minimize disruption of police services. The project will improve the safety and quality of life of Building 199's tenants and customers, who will be relocated to a more spacious facility with decreased risk of exposure to asbestos and lead. No action will increase health risks to maintenance personnel.
- Traffic – The building is readily accessible from Pearl Harbor Boulevard, one of several major collector streets within the Main Base area. The proposed action or no action will reduce the traffic along Pearl Harbor Boulevard in the vicinity of the building.
- Utilities – Utilities to Building 199 are provided through the base infrastructure. The proposed action or no action alternative will not impact the load on utilities (e.g., electricity, wastewater, water), since no new functions or activities will be introduced or eliminated.

- Visual – Building 199 is not part of any key historic view planes. The physical condition of the structure is inadequate and the building's current state of disrepair detracts from the aesthetic quality of the base. Demolition of Building 199 would be beneficial to the aesthetic quality of the vicinity. No action would result in a gradual deterioration of the structure, accompanied by a further decline in aesthetic value.
- Archaeology – The facility is located in an area of no and/or low potential for archaeological sites (ICRMP for Pearl Harbor Naval Complex, PACNAVFACENGCOM, March 2002). It is unlikely that the limited subsurface work would expose deposits containing artifacts. No action would involve no soil disturbance; therefore, no impact on archaeological resources is anticipated.
- Hazardous/Regulated materials – Asbestos-containing materials and lead-based paint were identified at the building. Some of these materials were in poor condition, increasing the potential health risk to building occupants and maintenance workers. The building was historically used for administrative activities and the treatment, storage or disposal of hazardous materials at the site is unlikely. There is a potential for chlordane (termite pesticide) impacted soils at the building. There is no direct evidence that Building 199 has impacted the nearby surface water quality or soils at the facility. Demolition will require that these regulated or hazardous materials in soil or building materials be managed in accordance with applicable federal regulations, and demolition contract terms and conditions to minimize release to the environment, and protect personnel. The no action alternative is unlikely to affect these materials and risks to maintenance personnel will be managed through Occupational Safety and Health Administration regulations.
- Land Use – The facility use (Police Station) is consistent with the land uses in the vicinity (waterfront operations and community support). The Security Department functions are being relocated to Building 287, which is a historic building in Marine Barracks. CNRH has determined there is no potential reuse for the soon-to-be-vacant facility. Demolition would increase land use flexibility should future development be considered in the area. No action would have minimal impact on the land use surrounding the facility.
- Solid Waste - Construction and demolition wastes that are generated at the Pearl Harbor Naval Complex are disposed of by commercial contractor at an approved construction and demolition landfill. Recycling and reuse measures are encouraged to divert solid waste from the landfill; therefore the quantities of demolition waste will be minimized. The no action alternative will eliminate the generation of demolition waste.

3.1 Cultural Resources

3.1.1 Regulatory Background

Building 199 is deemed eligible for listing on the National Register of Historic Places as a contributing property to the PHNHL. The National Historic Preservation Act (16 U.S.C. § 470) recognizes the Nation's historic heritage and establishes a national policy for the preservation of historic properties. It established the National Register of Historic Places. Section 106 of the

Act requires the Navy, as a federal agency, to consider the effects of proposed undertakings within and outside the boundaries of the Pearl Harbor National Historic Landmark, to afford the Advisory Council on Historic Preservation the opportunity to comment, and to implement mitigative procedures to offset any adverse effects of such undertakings.

The Pearl Harbor Naval Complex Cultural Resources Management Plan (CRMP) (PACNAVFACENGCOM, August 2000) provides guidance for managing historic properties belonging to the Navy within the Pearl Harbor area. It describes the historic resources, outlines a classification system for the historic facilities, and outlines standard operating procedures for evaluating buildings proposed for demolition. One of three categories (I through III) that range from the highest preservation importance to the least, respectively, was assigned to each building. Building 199 was assigned as a Category III facility (i.e., relatively minor importance for defining the historic character of PHNHL and a support building whose function, design, location or other characteristics do not merit designating this building as of "central" importance to PHNHL).

The Integrated Cultural Resources Management Plan for Pearl Harbor Naval Complex (ICRMP) expands on the CRMP by: 1) providing an overarching framework for the management of pre-historic and historic resources using a cultural landscape approach; 2) defines a management system, including creation of historic management zones and, 3) identifies planning guidelines to support management of cultural resources within the Pearl Harbor Naval Complex. Building 199 is not located within one of the historic management zones nor is it identified as a key visual landmark or a linking feature.

3.1.2 Historic Characteristics

Character-Defining Historic Features

According to the ICRMP, Building 199 has the following character-defining historic features:

- Two-story slab on grade construction
- Horizontal simple drop siding (shiplap) with exterior painting
- Wood frame construction with wood stud walls
- Low-pitched gable roof with overhanging eaves and exposed rafters
- Original wood panel doors
- Multi-light double hung windows
- Wooden stairways to second floor doors
- Monitor on roof ridge
- Wood ladder to roof on exterior face of building

In addition to its relocation, the building has undergone modifications. The remodeled elements are inconsistent with the original construction and detract from the historic character of the building. These changes include:

- Additions of gypsum interior walls, and suspended acoustical ceiling tiles;
- Replacement of original wood panel doors with aluminum storefront doorways;

- Replacement of the original windows (double-hung) with glass jalousie on one side of the building; and
- Addition of two, single-story additions at the northeastern end of the building. One addition is of wood and the other concrete block. The common roof above the additions is flat to low sloping.

Architectural and Historic Context

The area surrounding Building 199 lacks historic and architectural context. The building is surrounded by parking lots and is thus isolated from other buildings.

Views and Vantage Points

There are no prominent historic landmarks in the vicinity that create an historic fabric in the area. Building 199 is the only visible historic building along this section of Pearl Harbor Boulevard and the building is not integral to primary key historic view planes identified in the ICRMP.

4.0 Environmental Consequences

4.1 Cultural Resources

As defined in Section 106, an adverse effect occurs when a project "may alter, directly or indirectly, the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting materials, workmanship, feeling or association."

4.1.1 Proposed Action

Demolition would have an adverse effect upon the characteristics of Building 199 that qualify this property for inclusion in the National Register. These characteristics are of minor significance, with modifications that detract from the historic character of the building. Section 106 consultation was initiated via a 01 February 2002 letter from CNRH to the State Historic Preservation Officer (Appendix A). The Navy has executed a Memorandum of Agreement (MOA) that includes stipulations for the mitigation of potential adverse effects caused by the proposed action. The full text of the executed MOA is included as Appendix B. A summary of the stipulations is listed under Section 4.7 Mitigation.

4.1.2 No Action

Building 199 would not be demolished under the no action alternative. Because there are no potential specific reuses for the facility, it would remain vacant, continue to pose a health and safety hazard to personnel in the area, and draw scarce resources away from the maintenance or preservation of higher priority historic resources.

4.1.3 Cumulative Impacts

Demolition of Building 199 in conjunction with future historic property demolition projects on base would have an adverse impact on the historic character of the base as a whole. However, the preservation of all historic buildings is not fiscally feasible, nor is the Navy able to maintain excess facilities on its real property inventory.

4.2 *Executive Order 12898, Environmental Justice (dated 11 February 1994)*

The Navy is required to identify and address the potential for disproportionately high and adverse human health and environmental effects of their actions on minority and low income populations. Building 199 is located well within the Pearl Harbor Naval Complex operational and functional areas that do not have a disproportionate number of minority or low income persons. Thus the proposed action is not expected to negatively impact minority or low-income populations. For the no action alternative, Building 199 will be secured against unauthorized entry, and thus will not disproportionately impact minority or low income populations.

4.3 *Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, dated 21 April 1997*

Children do not frequent the area for an appreciable length of time. Demolition will remove or abate the hazardous and regulated materials to minimize exposure risks to all personnel and children that pass through the graded area. For the no action alternative, Building 199 will be secured against unauthorized entry, and no environmental health or safety risks to children are expected.

4.4 *Energy Requirements and Conservation Potential of Various Alternatives and Mitigation Measures*

Demolition or no action will decrease or have no significant impact on energy or energy conservation, since the activity at these facilities will cease or be limited to maintenance.

4.5 *Irretrievable and Irreversible Resource Commitments*

Resources that are committed irreversibly or irretrievably are those that cannot be recovered if the proposed project is implemented. Demolition will irretrievably and irreversibly remove the historic facility. Demolition will utilize fiscal resources, labor, construction equipment and materials. No action will require operations and maintenance costs through the life of the facility.

4.6 *Short-Term Use versus Long-Term Productivity*

Demolition would involve the long-term loss of historic resources, but there would be long-term productivity gains through the elimination of operations and maintenance costs, removal of

potential health and safety hazard, and improved aesthetics in the vicinity. No action will require a long-term commitment of resources for maintenance, but the historic resource will be retained for potential reuse.

4.7 Mitigation

Because Building 199 is eligible for inclusion in the National Register of Historical Places, stipulations for mitigation have been established during consultation with the SHPO and formalized in a MOA.

Building 199 will be documented in accordance with the Historic American Buildings Survey (HABS) Level II standards and specifications. Copies of the final HABS reports will be provided to the SHPO and to any requesting consulting party of the MOA.

CNRH will salvage various historic elements that may be suitable for re-use in other historic rehabilitation projects and provide storage for future use or display. Removal of salvage items will be conducted under the on-site supervision of an Historical Architect, who meets the professional qualifications under Standard (a) in the Secretary of the Interior's Historic Preservation Professional Qualification Standards. CNRH will also provide reports to the SHPO and Concurring Parties on the results of the salvage effort, and on re-use of salvaged materials.

The current occupants of Building 199 will be relocated primarily to Building 278 in the Marine Barracks Zone. Any modifications to Building 278 will be accomplished in accordance with the Marine Barracks Historic Preservation Plan and under the oversight of a person or persons meeting the professional qualifications for Historical Architect under Standard (a) in the Secretary of the Interior's Historic Preservation Professional Qualification Standards.

Should human remains or archaeological artifacts be encountered during the project, the MOA stipulations on discovery procedures will be implemented.

5.0 List of Preparers

PACNAVFACENGCOM

Planner-In-Charge
Environmental Planning Division

Fred Minato, P.E.
B.S. Civil Engineering

Helber Hastert & Fee, Planners

Principal-in-Charge

Thomas A. Fee, AICP
M.A. Urban Planning

Principal EA Author/Project Manager

Gail Renard
B.A. International Relations

Senior Planner

Faith Caplan, AICP
M.S. Public Health

Subconsultants

Historical Architect

Glenn Mason, AIA
M.A. Architecture

Lorraine Palumbo, AIA
Ph.D. Architecture

6.0 References

Navy Public Works Center Pearl Harbor. Annual Inspection Summary MRRP Deficiency List.
Period ending 30 Sept 2001.

CNRH. *Hawaii Overview Plan Draft Report*. March 2002.

PACNAVFACENGCOM. *Integrated Cultural Resources Management Plan for Pearl Harbor Naval Complex*. Prepared by Helber Hastert & Fee, Planners. March 2002.

PACNAVFACENGCOM. *Pearl Harbor Naval Complex Cultural Resources Management Plan*. Prepared by Paul H. Rosendahl, PhD. Inc., et al. August 2000.

APPENDIX A
Section 106 Correspondence



DEPARTMENT OF THE NAVY

COMMANDER
NAVY REGION HAWAII
517 RUSSELL AVENUE, SUITE 110
PEARL HARBOR, HAWAII 96860-4834

5750

Ser N464/ 00045

01 FEB 2002

CERTIFIED MAIL NO. 7001 1940 0006 1626 4869

Mr. Gilbert Coloma-Agaran
Chairperson and State Historic Preservation Officer
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, HI 96707

Dear Mr. Coloma-Agaran:

The Navy is consulting your office in compliance with Section 106 of the National Historic Preservation Act for the demolition of building 199.

Project Description

The work consists of demolition of the wood frame two-story structure and the reclamation of the site to a clean, graded, level area.

Building Condition

The site location of the building does not comply with current DoD Anti-terrorist Force Protection (ATFP) requirements.

In June of 2001 a condition assessment for the building was conducted. The results are as follows:

- Building 199; Constructed in 1942, a category III structure (CRMP) (see enclosure (1)). A temporary two story wood frame structure built on a concrete slab on grade with a low sloping wood frame gable roof. The structural integrity of the wood frame members is in poor condition. The members have/are being affected by termite infestation. The physical condition of the structure is beyond economic repair.
- The building contains asbestos materials and interior and exterior peeling lead based paint. This situation poses a health hazard and threat to occupants of the building.
- The interior of the building has been significantly modified over time and many elements are not indicative of the original period of construction. There are

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numerous interior partition walls composed of gypsum board, the ceiling is composed of drop acoustical tile and the floor is covered with vinyl asbestos floor tiles.

- The exterior front entrance is a modified extruded aluminum storefront doorway and an incompatible element. On the Pearl Harbor Ave. facade, the northwest half of the second floor has been altered with the addition of a catwalk access. The wall surface has been modified by the removal of the original six bank double hung windows that are matched on the other side of that facade (see enclosure (2)). This modification significantly compromises the integrity of the architectural character of the building.
- There have been two, single story additions added to the southeast corner of the building. One portion is of wood frame construction the other of concrete block. The roof over these additions is flat to low slope. This alteration to the building is out of architectural character with the remaining un-altered portion of the building.
- There is no architectural context within the surrounding area of the building. The architectural style-type, World War II, temporary wood frame is part of a random architectural composition in the surrounding area.

Given the current state of building 199 (hazardous materials, termites, poor structural conditions, ATPF, etc.) and its status as a Category III structure, "Having relatively minor importance for defining the historical character of Pearl Harbor" (*Cultural Resource Management Plan (CRMP August 2000) for Pearl Harbor*), we have chosen to consolidate security functions and demolish building 199. We have elected to consolidate this function in one of the Marine Barracks buildings. This action is in keeping with the award winning preservation plan for the Marine Corps Barracks Historic Landscape Zone and will effectively reuse a vacant structure in that zone. The project will improve the safety and quality of life of the occupants and users and will save scarce operating and management expenditures for more pressing, higher priority preservation needs - The Marine Barracks Zone.

As required by Section 106, the decision to demolish this building has taken into account the alternatives and options for historic preservation requirements at Pearl Harbor. Considering

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01 FEB 2002

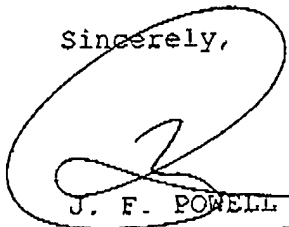
the cost of repair, the existing deteriorated condition of the property and the limited dollars available for higher priority preservation projects it is our determination that demolition is the most appropriate course of action.

Determination of Effect

This proposed demolition would have an adverse effect upon the qualities of significance, which are minor for this structure. To mitigate this, the stipulations of the National Programmatic Memorandum of Understanding for the demolition of World War II temporary buildings (1986) will be followed. The HABS recordation will be accomplished as stipulated.

We request your concurrence with our determination. Should you have any questions or need additional information, our point of contact for this project is Jay Yanz, Navy Region Hawaii Historical Architect at telephone 474-1170 extension 237.

Sincerely,



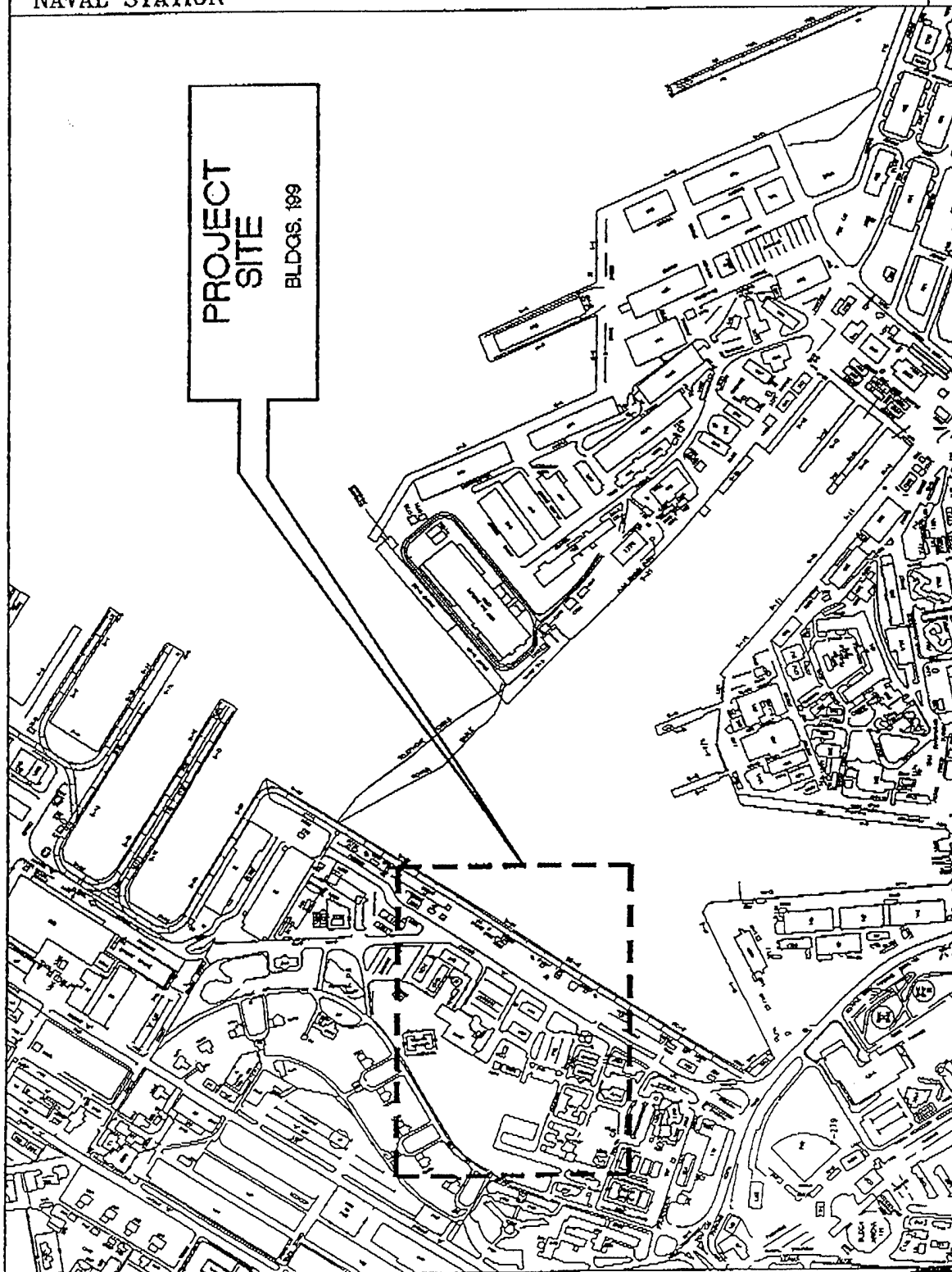
J. F. POWELL

Lieutenant, CEC, USNR
Historic Preservation Program
Coordinator
By direction of
Commander, Navy Region Hawaii

Enclosures: 1. Location Map
2. Building Photos

Copy to: Commander, Pacific Division, Naval Facilities
Engineering Command (PLN233)
Mr. David Scott, Historic Hawaii Foundation

1. COMPONENT NAVY	FY 2002 MILITARY CONSTRUCTION PROJECT DATA	2. DATE JUN 2001
3. INSTALLATION AND LOCATION COMNAVREG HAWAII PEARL HARBOR, HAWAII		
4. PROJECT TITLE DEMOLISH BUILDING 199 NAVAL STATION		5. PROJECT NUMBER



VICINITY MAP

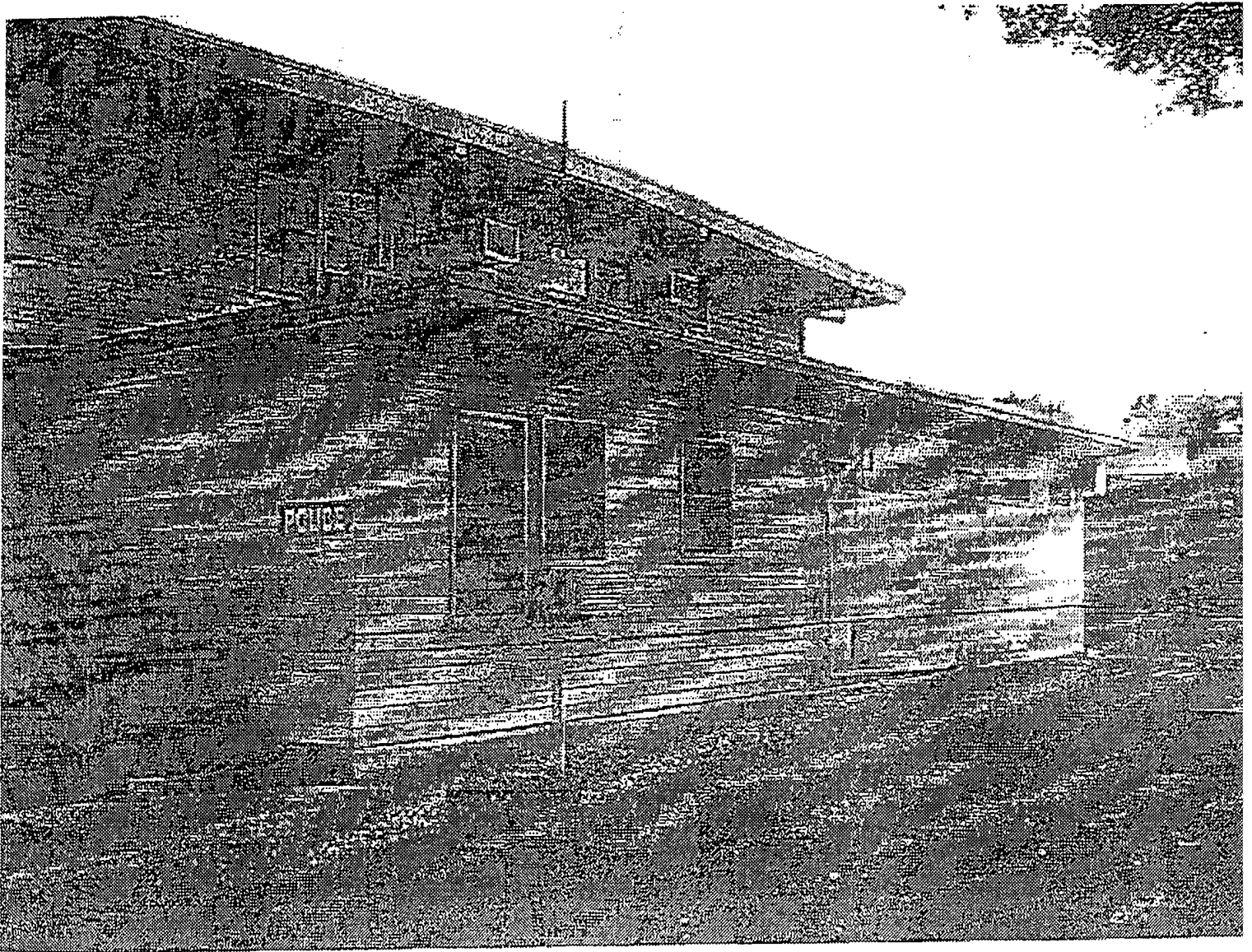
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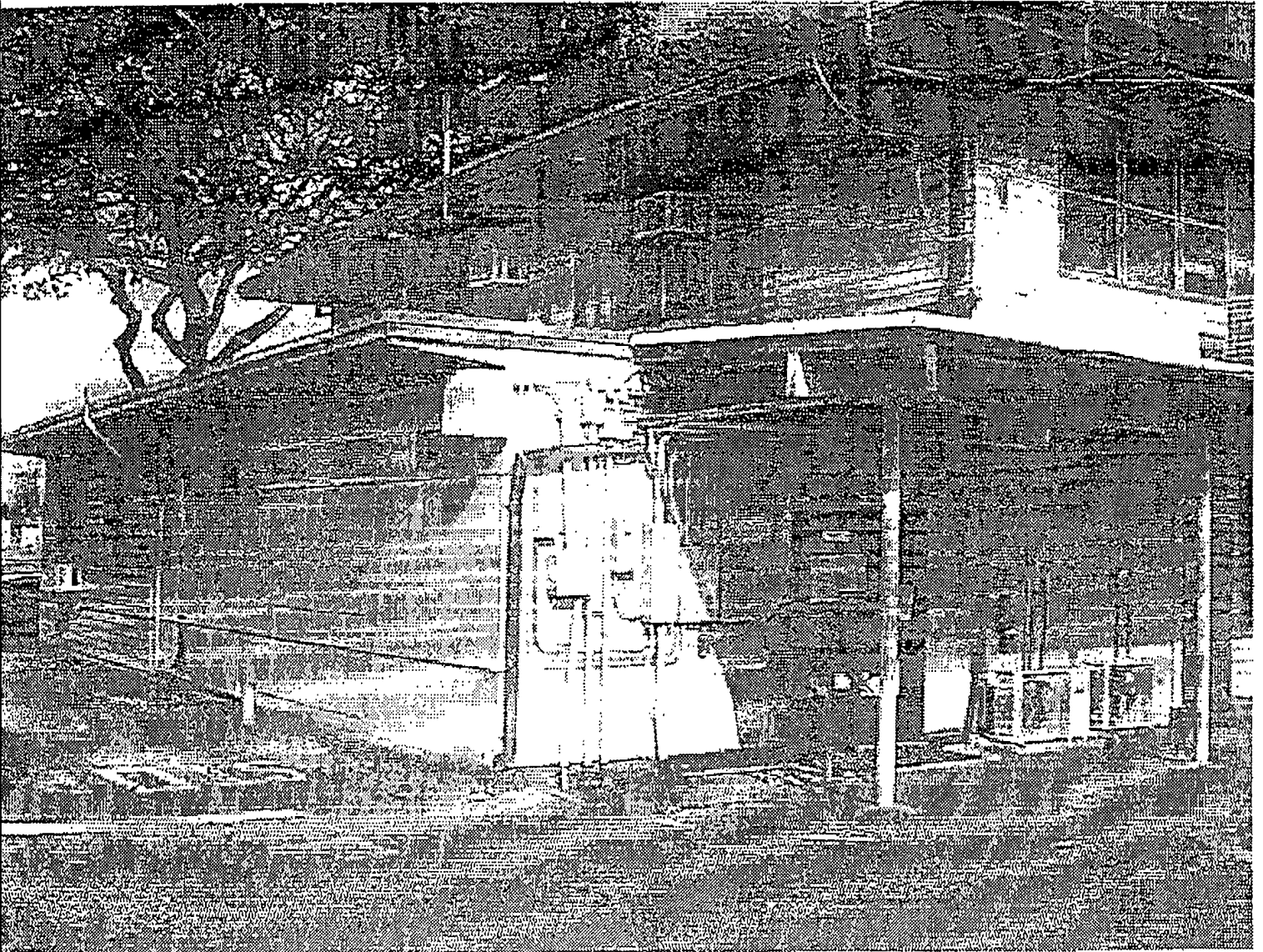
DD FORM 1391c
1 DEC 76
5/N 0102-U-001-3913
199VM_R1.DWG

PREVIOUS EDITIONS MAY BE USED INTERNALLY
UNTIL EXHAUSTED

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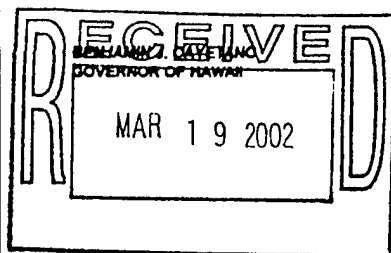
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STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIWEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

GILBERT S. COLOMA-AGARAN, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

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ERIC T. HIRANO
LINNEL NISHIOKA

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND RESOURCES
ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

March 18, 2002

Department of the Navy
Historic Preservation Program Coordinator
By direction of Commander
Navy Region Hawaii
517 Russell Avenue, Suite 110
Pearl Harbor, Hawaii 96860-4884

LOG NO: 29355
DOC NO: 0203co08
Architecture

Dear Lieutenant Powell:

SUBJECT: Section 106 Review (NHPA)
Demolition of Building 693, SUBBASE
Demolition of Building 199, Naval Station
Pearl Harbor National Historic Landmark
TMK 9-3, Pearl Harbor, Oahu

Thank you for the letters dated January 28, 2002, and February 1, 2002, received February 5, 2002, and February 6, 2002, regarding the demolition of Building 693 and Building 199. Thank you for the site visit with my staff on March 1, 2002, it was beneficial to see similar buildings existing and proposed for reuse (251, Makalapa & 278, Marine Barracks).

We believe that the APE for each project is the building itself and it's surrounding area. The structures are contributing resources within the Pearl Harbor National Historic Landmark, Building 693 is within the Submarine Base Management Zone. The database information provided indicates that the ICRMP Category is III, both buildings 693 & 199, were 2 in previous documents, and SHPO concurrence is not indicated. Please provide date of concurrence.

Building 693 and 199 are 'semi-permanent' structures and *should not* be considered under the National Programmatic Memorandum of Agreement for the demolition of World War II *temporary* buildings. Per Advisory Council on Historic Preservation regulations 800.5(a)(2)(i) demolition is defined as an 'adverse effect.' Therefore, the proposed demolition of buildings 693 and 199 is 'an adverse effect.'

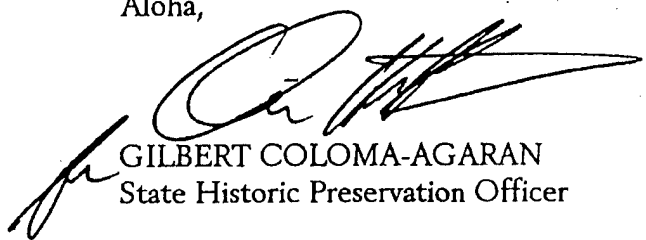
We look forward to working with the Navy and other interested parties on the development of a Memorandum of Agreement to define stipulations for mitigation. We

Department of the Navy
Page Two

recommend, as part of the Memorandum of Agreement, 'semi-permanent' facilities which the Navy has plans to rehabilitate should be specified as good candidates for preservation. The Memorandum of Agreement could be for both buildings 693 and 199.

Thank you for your patience and the opportunity to comment. Should you have any questions please contact Carol Ogata at 692-8032.

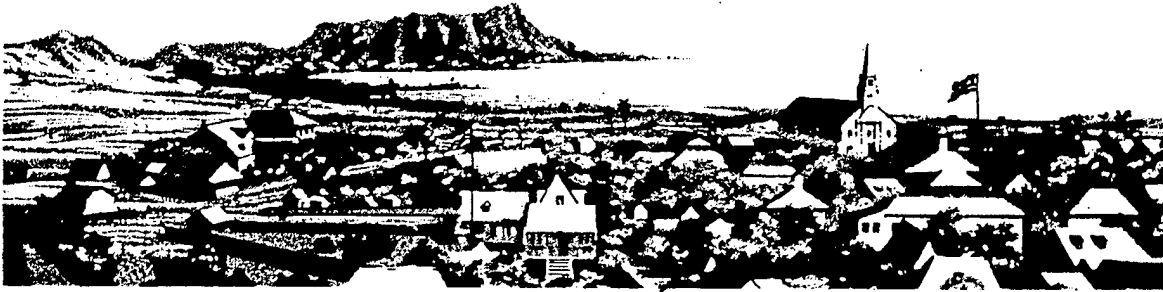
Aloha,



GILBERT COLOMA-AGARAN
State Historic Preservation Officer

CO:jk

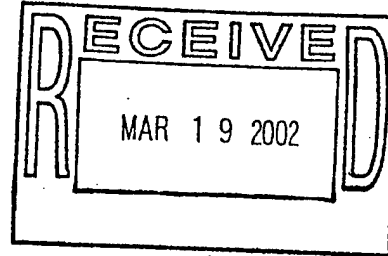
c: J.L. Mustain , Captain, CEC U.S. Navy, Program Manager for Facilities, Environmental, Safety and Passenger Transportation, By Direction of Commander, Navy Region Hawaii, 517 Russell Avenue, Suite 110, Pearl Harbor, Hawaii 96860-4884
Lee Keatinge, Advisory Council on Historic Preservation
David Scott, Historic Hawaii Foundation
Elizabeth Merritt, National Trust on Historic Preservation



Historic Hawai'i Foundation

March 11, 2002

Department of the Navy
Historic Preservation Program Coordinator
Navy Region Hawaii
517 Russell Avenue, Suite 110
Pearl Harbor, Hawaii 96860-4884



Dear Lt. Powell,

RE: Consultation of various undertakings in response to a tour of projects on March 1, 2002.

Thank you for the opportunity to comment on several projects the Navy is proposing to undertake in the near future. We toured the following buildings: #251, #695, #693, #1, #199, #278, and #S721.

In regards to the proposed demolition of building 695 we concur that it would be an adverse effect. The possibility of retaining approximately one-third of the building (about 30,000 of the 92,000 sq.ft.) in support of needed storage should be fully examined. If reuse of a part of the building is not economically viable, the consulting parties should review supporting documentation. Possible salvage and reuse of the material should be examined.

The proposed demolitions of "semi-permanent" WWII buildings #693 and #199 would be an adverse effect. As part of the MOA the Navy should be required to salvage reusable material from these buildings to be reused in similar buildings that are being proposed for rehabilitation - like building 251. The relocation of personnel from the buildings proposed for demolition should be earmarked for rehabbed historic structures.

We drove past building #251 and were informed of the Navy's intention of rehabbing that building following the Secretary of the Interior's Guidelines. The rehabilitation of the building would reflect the importance of the Makalapa Administrative area and the preservation of several historic structures in the area. We would like to propose that building #17A, which is a Quonset hut next to building 251, also be rehabilitated to further enhance the historic Makalapa administrative area.

We reviewed the work being done on building #1 on the second floor. The adaptive reuse of this Category 1 building is to be commended. It is hoped that the rehabilitation of the third floor will take place when money is available.

We reviewed that rehabilitation of building #278 at the Marine Barracks area. We also noted that some of the historic buildings in that area are at present vacant and we trust that those vacant buildings will be considered for relocation of administrative offices.

We also reviewed the proposed demolition of bunker building # S721. We were informed that there is no planned use for the area that the demolition will take place so question the reason for demolition at this time. This would be a perfect opportunity to eliminate an "attractive nuisance" by "mothballing," which in this case would involve filling the structure with dirt and capping the vents. Furthermore, this would be an appropriate time to survey these types of structures to determine a long-term plan for their adaptive reuse or demolition.

A similar survey should be completed for all the Quonset huts on Navy land so those most appropriate for preservation could be determined and plans for adaptive reuse be developed. This would allow the Navy the opportunity to demolish the less significant examples.

Sincerely,



David Scott
Executive Director

Cc: NTHP
SHPO
OHA
ACHP

APPENDIX B
Memorandum of Agreement

**MEMORANDUM OF AGREEMENT (MOA)
BETWEEN
THE COMMANDER NAVY REGION HAWAII
AND
THE HAWAII STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION OF BUILDING 199,
PEARL HARBOR, HAWAII**

WHEREAS, the Commander Navy Region (COMNAVREG) Hawaii proposes to demolish Building 199, a wood frame two-story WWII structure, located at Naval Station of the Pearl Harbor Naval Complex (hereafter as the Undertaking); and

WHEREAS, pursuant to 36 CFR § 800.4(c)(2) COMNAVREG Hawaii has determined that Building 199 is a contributing structure within the boundaries of the Pearl Harbor National Historic Landmark and classified as a Category III structure under the Cultural Resources Management Plan; and

WHEREAS, COMNAVREG Hawaii has established the Undertaking's area of potential effects (APE) defined at 36 CFR § 800.16(d), to be limited to the footprint of Building 199; and

WHEREAS, COMNAVREG Hawaii has determined that the Undertaking will have adverse effects on Building 199; and

WHEREAS, COMNAVREG Hawaii has prepared a draft Environmental Assessment (EA) on the proposed demolition of Building 199, and circulated the draft EA to the consulting parties for comment; and

WHEREAS, COMNAVREG Hawaii has provided the notice required under 36 CFR § 800.10(c) and has invited the National Park Service (NPS) to sign this MOA as a concurring party; and

WHEREAS, COMNAVREG Hawaii has consulted with the Advisory Council on Historic Preservation (Council), the Hawaii State Historic Preservation Officer (SHPO), the NPS, the Historic Hawaii Foundation (HHF), and the National Trust for Historic Preservation (NTHP); and

WHEREAS, pursuant to Section 800.6(c) of the regulations, 36 CFR Part 800, that implement the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, Section 106 and Section 110(f) of the same act, 16 U.S.C. 470h-2(f), the entities listed above have been invited to sign this MOA; and

NOW, THEREFORE, COMNAVREG Hawaii, the Council and the SHPO agree that upon COMNAVREG Hawaii's decision to proceed with the Undertaking, COMNAVREG Hawaii shall ensure that the following stipulations are implemented in order to satisfy its responsibilities under Section 106 and Section 110(f) of the NHPA.

STIPULATIONS

COMNAVREG Hawaii shall ensure that the following measures are carried out:

I. DOCUMENTATION

COMNAVREG Hawaii will prepare photo documentation of Building 199 in accordance with the Historic American Buildings Survey (HABS) Level II standards and specifications. The HABS documentation will include site and building plans and elevations, photographs of the exterior, and representational photographs of the interior. HABS documentation will be submitted to SHPO, and copies of the final HABS reports will be provided to SHPO and to any requesting consulting party, prior to demolition of Building 199.

II. SALVAGE

COMNAVREG Hawaii will salvage various historic elements that may be suitable for re-use in other historic rehabilitation projects and provide storage for future use or display. The determination as to suitability for re-use will be made by a person or persons meeting the Secretary of the Interior's professional qualifications for Historical Architect under Standard (a) in the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Removal of salvage items will be conducted under the on-site supervision of an Historical Architect, qualified as stated above. Upon completion of the demolition project, COMNAVREG Hawaii will provide a report to the SHPO and Concurring Parties on the results of the salvage effort. In addition, COMNAVREG Hawaii will report to the SHPO and Concurring Parties on re-use of salvaged materials within one (1) year of completion of the demolition project. This will provide an opportunity for follow-up consultation on salvage/re-use possibilities.

III. OTHER PRESERVATION COMMITMENTS

The current occupants of Building 199 will be relocated primarily to Building 278 in the Marine Barracks Zone, a Category II facility which was recently renovated in accordance with the Marine Barracks Historic Preservation Plan. Any modifications to Building 278 will be accomplished in accordance with the Marine Barracks Preservation Plan and under the oversight of a person or persons meeting the professional qualifications for Historical Architect under Standard (a) in the Secretary of the Interior's Historic Preservation Professional Qualification Standards.

IV. RESOLVING OBJECTIONS

A. Should any Signatory or Concurring Party to this MOA object in writing to COMNAVREG Hawaii regarding how the proposed Undertaking is carried out or the

manner in which the terms of this MOA are carried out, COMNAVREG Hawaii shall consult with SHPO to resolve the objection. If COMNAVREG Hawaii determines that the objection cannot be resolved, COMNAVREG Hawaii shall forward all documentation relevant to the dispute to the Council, including COMNAVREG Hawaii's proposed response to the objection. Within thirty days after receipt of all pertinent documentation, the Council will:

1. Advise COMNAVREG Hawaii that it concurs with COMNAVREG Hawaii's proposed response. Whereupon COMNAVREG Hawaii shall respond to the objection accordingly; or
2. Provide COMNAVREG Hawaii with recommendations pursuant to 36 CFR § 800.2 (b)(2) which COMNAVREG Hawaii shall take into account in reaching a final decision regarding the dispute; or
3. Notify COMNAVREG Hawaii that it will comment pursuant to 36 CFR § 800.7(c) and proceed to comment on the subject in dispute.

B. Should the Council not exercise one of the above options within thirty days after receipt of all pertinent documentation, COMNAVREG Hawaii may assume that the Council concurs in the proposed response to the objection.

C. COMNAVREG Hawaii shall take into account the Council's recommendation or comment provided in accordance with this stipulation with reference only to the subject objection. COMNAVREG Hawaii's responsibility to carry out all actions under this MOA that are not the subject of the objection shall remain unchanged.

V. DURATION

This MOA shall become effective upon execution of COMNAVREG Hawaii, the Council and the SHPO, and shall terminate at the completion of the Undertaking or until terminated under Stipulation VIII. COMNAVREG Hawaii will notify all parties to the MOA in writing when its actions have been completed and that the MOA has been terminated.

VI. DISCOVERIES

A. If during the performance of the Undertaking, previously unidentified historic properties are discovered, COMNAVREG Hawaii shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties. COMNAVREG Hawaii shall determine actions that can be taken to resolve adverse effects, and notify the SHPO and any Native Hawaiian organization that has requested to be notified within 48 hours of the discovery by telephone, followed by written notification to be sent by facsimile. The notification shall include an assessment of National Register eligibility and proposed actions to resolve potential adverse effects.

B. The SHPO and Native Hawaiian organizations shall respond within 48 hours of the notification. All access by representatives of these organizations will be subject to reasonable requirements for identification, escorts (if necessary), safety, and other administrative and security procedures.

C. COMNAVREG Hawaii will take into account recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. Should such actions include archaeological investigations, these actions will be carried out by or under the direct supervision of a person or persons meeting, at the minimum, the Secretary of the Interior's Professional Qualification Standards (Federal Register, Vol. 62, No. 119, page 33712, June 20, 1997) for Archaeologists. COMNAVREG Hawaii shall provide the SHPO and Native Hawaiian organizations a report of the actions when they are completed.

VII. AMENDMENTS

Any Signatory to this MOA may propose to COMNAVREG Hawaii that it be amended, whereupon COMNAVREG Hawaii shall consult with the other Signatories to this MOA to consider such an amendment. 36 CFR § 800.6(c)(7) shall govern the execution of any such amendment.

VIII. TERMINATION

If any Signatory determines that the terms of this MOA cannot be or are not being carried out, the Signatories shall consult to seek amendment of this MOA. If this MOA is not amended, any Signatory may terminate it. COMNAVREG Hawaii shall either execute a new MOA with Signatories under 36 CFR § 800.6(c)(1) or request comments from the Council under 36 CFR § 800.7(a).

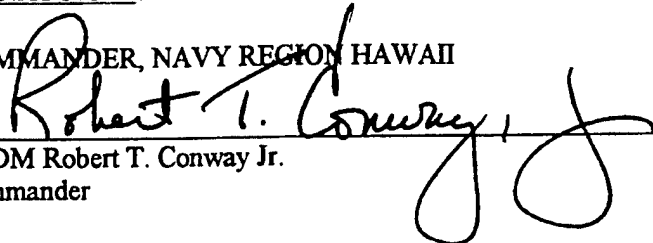
IX. ANTI-DEFICIENCY

The Anti-Deficiency Act, 31 USC 1341, prohibits federal agencies from incurring an obligation of funds in advance of or in excess of available appropriations. Accordingly, the parties agree that any requirements for the obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this agreement shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.

Execution of this MOA by COMNAVREG Hawaii, the Council and the Hawaii SHPO, and implementation of its terms evidences that COMNAVREG Hawaii has afforded the Council an opportunity to comment on the planned demolition of Building 199 and its potential effects on historic properties, and that COMNAVREG Hawaii has taken into account the effects of the Undertaking on historic properties.

SIGNATORIES:

COMMANDER, NAVY REGION HAWAII


RADM Robert T. Conway Jr.
Commander

Date

4/5/02

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Mr. John M. Fowler

Date

HAWAII STATE HISTORIC PRESERVATION OFFICER


Mr. Gilbert Coloma-Agaran

Date

4/4/02

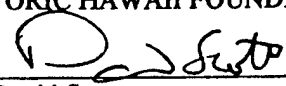
CONCURRING PARTIES:

NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. Paul Edmondson

Date

HISTORIC HAWAII FOUNDATION


Mr. David Scott

Date

4-5-02

NATIONAL PARK SERVICE

Mr. Michael Crowe

Date

SIGNATORIES:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

John M. Fowler
Mr. John M. Fowler

4/8/02
Date